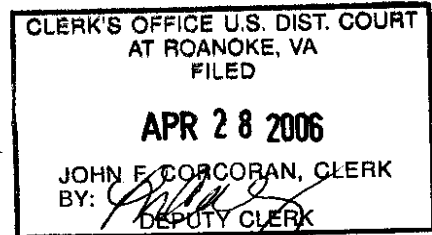


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



HENRY CHRISTIAN OLSEN,)	
Petitioner,)	Civil Action No. 7:01cv00310
)	
v.)	<u>Memorandum Opinion & Order</u>
)	
RONALD ANGELONE,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

This matter is before the court upon Henry Olsen's petition for a writ of mandamus and his motion for leave to appeal in in forma pauperis. Olsen wants this court to direct state court officials to acknowledge that they interfered with his ability to file a state court appeal on time so that he can then reargue his federal habeas claims, which this court dismissed as procedurally barred. Upon review of the record in this case, the court denies both motions.

To the extent that plaintiff seeks to have this Court direct an action by state officials or outcome in state court, federal courts have no general power to compel action by state officials. See Davis v. Lansing, 851 F.2d 72, 74 (2d Cir. 1988); Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969). The authority of federal courts to issue extraordinary writs derives from the "all writs statute," 28 U.S.C. §1651. This authority, however, exists for the sole purpose of protecting the respective jurisdictions of federal courts. Gurley, supra. Therefore, as a petition for a writ of mandamus, Olsen's pleading must be denied.

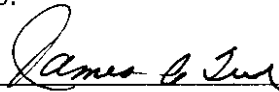
Because he is really asking this court to revisit the finding of procedural default, the court construes his motion as one for reconsideration, pursuant to Fed. R. Civ. P. 60(b). As he does not demonstrate any error in this court's judgment, which was affirmed by the United States Court of Appeals for the Fourth Circuit, the court must deny Olsen's pleading under Rule 60(b). As this

case is closed and no appeal is pending, the court will also deny Olsen's motion to proceed in forma pauperis as moot.

In accordance with the foregoing, it is hereby **ORDERED** that petitioner's motion for in forma pauperis and his petition for a writ of mandamus, which the court construes as a motion for reconsideration, are **DENIED**.

The Clerk is directed to send certified copies of this order to petitioner and to counsel of record for the respondent.

ENTER: This 28th day of April, 2006.



Senior United States District Judge